

Pembatalan perkawinan karena ketiadaan izin isteri pertama dalam melakukan poligami ditinjau dari Undang-Undang No. 1 Tahun 1974 tentang Perkawinan dan Hukum Islam (Analisis putusan Pengadilan Agama Tangerang No. 312/Pdt.G/2009/PA.Tng) = Annulment of marriage caused by the absence of permission from the first wife on doing polygamy reviewed from marriage law (Law No. 1 Year 1974) and Islamic Law (Analysis of the sentence of Religious Court of Tangerang No. 312/Pdt.G/2009/PA.Tng)

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Abstrak

Skripsi ini membahas pembatalan perkawinan poligami karena ketiadaan izin isteri pertama dalam melakukan poligami. Pasal 5 UU Perkawinan, Hukum Islam dan Pasal 58 KHI (ijtihad para ulama Indonesia), mengatur bahwa poligami diperbolehkan apabila memenuhi syarat-syarat. Dalam melakukan penelitian, penulis menggunakan metode penelitian kepustakaan yang bersifat yuridisnormatif dan tipologi bersifat deskriptif analitis. Permasalahan dalam skripsi ini adalah bagaimana pengaturan pembatalan perkawinan poligami, bagaimana akibat pembatalan perkawinan poligami dan apakah tepat pertimbangan hakim dalam pembatalan perkawinan pada Putusan Pengadilan Agama Tangerang Nomor 312/Pdt.G/2009/PA.Tng.

Kesimpulan atas permasalahan tersebut adalah perkawinan poligami yang dilakukan tanpa adanya izin isteri pertama adalah bertentangan dengan UU Perkawinan dan KHI sehingga dapat dibatalkan. Putusan pembatalan perkawinan menyebabkan perkawinan mereka batal, mereka bukan lagi sebagai suami isteri, hak dan kewajiban antara suami isteri menjadi hapus, tidak ada harta bersama, anak yang lahir dari perkawinan yang dibatalkan tetap menjadi anak sah dari kedua orang-tuanya dan ada masa iddah bagi isteri. Putusan Hakim PA Tangerang Nomor 312/Pdt.G/2009/PA.Tng sudah tepat.

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This thesis examines the annulment of marriage caused by the absence of permission from the first wife to do polygamy. Article 5 of Marriage Law, Islamic Law and Article 58 Compilation of Islamic Law (ijtihad by Indonesian muslim scholars), regulate that husband is permitted to do polygamy if he fulfill the requirements. In conducting this research, the writer uses juridicial-normative library research methods and the typology is descriptive analytical. The problem in this thesis are how is the regulation of polygamous marriage annulment, the consequences of polygamous marriage annulment and whether the judges sentence of religious court of Tangerang No. 312/Pdt.G/2009/PA.Tng is already appropriate and correct or not. The conclusion of those problems are polygamous marriages that held without the first wife's permission is prohibited and against Marriage Law and Compilation of Islamic Law, so that polygamous marriage can be annulled. Polygamous marriage annulment causes their marriage is annulled, they are no longer as husband and wife, the rights and obligations between husband and wife whose marriage is annulled become no longer exist, there is no common property between them, children who were born on that annulled polygamous marriage are still legitimate child of their parents and there is waiting period for the wife. Judge's sentence of Religious Court of Tangerang No. 312/Pdt.G/2009/PA.Tng is correct and appropriate.